P.F. 16/95

G. R. S. IX-5]

Previous references. 1894-95

192 .

(L-R.)

File No. 111 of 94

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-15

Major ~~Part B~~ for August 1895.

SUBJECT.

Appeal of Achappa, Akkimangala Siddaghatta Tq. Taluk Regarding certain lands.

Commanding
S. Staff.

RD
Indexed
B&S

WD 2253—GPB—20,000—11-6-20

II

Adelaja[illegible] who
published two
valuable informations
viz that the land
which was the cause
of irrigation dispute
could had been
recently reclaimed
at a great cost, and
2ndly that the one
which Ramkhan's
land was rejected
by his Ramkhan.
Upon he presented
to this effect the order
of the Dy Comr & the
holding the land in
dispute of his clearance
to quit it. In his
despair he betrayed
an utter disregard
of the interest of Govt
& Ryotwar which
was his bounden
duty, and any thing
short of his dismissal
will not be a adequate
punishment to
him -

~~Before then~~ Until
the Talug Surveyors
(Seetharamayya &
Ranganathacharlu)

translation of the explanation of
Lakkireddy Venkatadri of Sorinjeb
... dated 26-5-26 with reference
to the foregoing letter from the Revenue Divisional Officer

I drew the attention of the Collector to the petition
file, of Adelaja [illegible] Lakkireddy
asking for Rs 28, there
measuring 5 A 20 cents, to be given
to him for Ramayyan & praying that
no assessment be fixed thereon.
Thereupon an order was given to the
Surveyor to report ~~the actual details~~
in the usual way the details regarding
it (the land). The Surveyor reported in the
detail statement, stating that there
are black soil trees (on the
land in question) and the Ryotwar is
cultivating this report also stating that
there was no water (for the land)
to be given out for Ramayyan-
(for this the petition was made to
you (Dasil) enclosing the above)
the records - after this matter was
taken to the case was enquired
-ported by me and I in that report
when the case was enquired by the
the ~~enquiry~~ Inspection of the Revenue
when I gave my original report.
the Surveyor had not disclosed
in the report sent by him that
the land of Adelaja had
been reported by the D. P. W. Officer
that the water was from the 2nd
& 2nd applicant had been rejected.
Hence I had no opportunity
to embody these facts in my
report.

From the District Talak Amin
No. 437 dt. 10.6.94 in the enclosed file
I see that in it is stated
that the Thasildar of Bangalore
Municipal for Rs. 98 Kharaba,
has been disposed of by endorsement
No. 3 dt. 4.8.88 & it is stated that
as the land is rank with trees
like a jungle, it has been
reserved for the Sirkar - From
the records it is clear that the
repairs to the tank have been
done by the P.W.D. Department at
a cost of Rs. 7-5-0 & odd rupees during
the years 1887-88 - But I took
charge of that office in the month
of September 1888 - Hence
the repair to the tank was executed
& the Thasildar was directed a year
previous to my taking charge of
Therefore either the Thasildar or the
Amildar & the District Collector any one
else had represented this fact to me,
& it should have come to my notice &
I have consequently not have
found a place in any report
on the subject - This fact
must have been known well
to the Amildar - Though his Amildar
fault there has not been a clear
disclosure of this fact in the records
& hence an opportunity to know
it has been missed - These are
the facts - The endorsements are
returned. Sd/ Amildar

1

Translation of the explanation of Capitaine Commandant Schumacher given with reference to the points asked for in the 4th Para of Govt Lr No 2340 enclosed in the Sangatore Dist Court Nundum No 2 dt 15.11.95

To the 1st point — That when the original recommendation regarding the fixing of the land at Achaffa was made by the Dist Commissioner the Amildar & Asst Collr in their report that the said land may be given to Achaffa - said order was issued by the Asst Collr (Mr Stokes) that the land may be kept ready. It was also stated in the said order (Mr Stokes) that whether the price of the land was alright & then make over to the Koshkim of the land. I then executed the work in accordance with the said order - The Dist Commissioner omitted to mention in his report on the subject, the fact of the execution of the work & must be learnt from him -

To the 2nd point — As per order (Mr Stokes) from the Asst Collr had been received that the value of the paddi on the 98 acres land now in question should be fixed & the land to be given to the Ryots & as there was no time for it to be done in the Dist Court I went to the spot examined the paddi, fixed the value & came to the Kacheri - Then Achaffa came in person to the Cutcherry with the Amount - As I was then about to go out - I sent for the Sheristadar Subadar who was in the station and asked him to submit after

Gumasta in charge of that Hobli
who knows the fact stated
in the petition and told the Sheristadar
about it, he (Sheristadar) would
have made a mention of it in
the report, or would have stopped
writing the report & would have brought
it to my notice. It must be
known from the Gumasta whether
he mentioned it (the fact contained
in the above said petition) or not (to
the Sheristadar) -

As to the 4th point: — With regard to
the Continuance of the Khate for
the year Vijaya, as there is no
Jamikhe Patti of that year in this
file, this point cannot be answered
-ed. A reference to the Jamikhe
Patti of that year may clear the
point - These are the facts of
the case.

Sd/ Amildar -

Translation of the explanation of
Narasimhaiya Deputy Gumasta of
Bagepalli Taluk dy 31.3.96.

I saw Hukum No 155 dy 14.3.96 from
the D.C. Huzoor & its enclosures, Pirayad
Register & Jappa Book of Siddlaghatta
Taluk for the years 1892-93. The
following is what I submit in re
the posting on 17.8.92 the petition
presented in person to the Dy Comm.
on 18.7.92 by one Talaiki
Krishnappa refered to in the said Hukum

There would be sometimes some short delay for some reason or other for papers that were signed to reach the Muasters from the Camp.

There is a reference in the Jaffal Book sent here stating that the Jaffal of that date 18.7.92 was sent to Inahir & hence showing that the Dy Commr was on that date (18.7.92) in Inahir Camp.

As I was only a Duftaribund on Rs 5 in the Dt Office, all papers that were disposed of in Camp were addressed to the Munshi that was looking after the despatch work in the Hd Qrs Office. As per orders of the Head Munshi, that I should assist & do what I was told by the above despatcher Munshi, I used to register (vooz Ø 8-4-0 003) the papers given by him.

There would be sometimes some short delay for some reason or other for papers that were signed to reach Hd Qrs from the Camp.

I do not know when this petition came from the Camp to the despatcher Munshi - As soon as the despatcher Munshi gave the petition to me it has been registered - I remember that it

collecting the amount that I found
proper in my examination with P.2.
as stated in that ~~letter~~ Petition (?)
& after taking a Panchakitta, —
& report that I inspected the place.
He wrote the report as ~~I~~ ordered
him & sent it. He has written nothing
on his own responsibility (i.e. beyond
what I had told him). The said report
No 82 was written by the Shanbogue
according to what I had told him to write
& is in accordance with my views.
To the 3rd point: — During my inspection
of the land Valandi Krishnaiya represented
to me that the land should be ordered to
be given to him (i.e. as Kadi for the land)
& that he should pay Rs 200 to the Sirkar (for it
I told him that I had not received orders
to put the land up for sale; that I had
not come there (to the land) for that purpose;
that I had received orders from the Collr
(Agent) to examine the trees, fix the
value & hand over the possession of the
land to the Shanbogue after taking
a Panchakitta; that I accordingly
gave over the possession to the Shanbogue; &
that if he had any complaint on the
matter, he may represent the same to
the Collr. After this, Valandi Krishnaiya
must have sent in the petition to
registered post, as I see one in the file.
When this petition was received by post
it was referred to the Amanta in charge
of that village under the initials of the
Shanbogue. If I had been in the Collr's
(Kacheri) that day I should have
known the fact & I should have asked
the Shanbogue to embody it in the
report (submitted) — Or if the

7

had an English order on it. As there were none near at hand I told them English (to read the order to me) when I was registering it (letter) I omitted to note the fact of the order in the register but registered the papers ~~first~~ and which should then despatched. Then a [illegible] having learnt the fact of the latter registered [illegible] the letter despatched immediately. I do not remember many days it remained in the office. I replied by the date letter from [illegible] despatched the petitioner along with the endorsement that he on the same day, registered same petition.

I am not the practice of the despatcher to enter the date of the receipt of the signed orders. (Never) the date in the Register where the petition of Calendar discharge is entered is the date on which the order was passed & not the date when it came to me for registering.

I refer to the original Book & the entries in the Diary will clearly show that I was doing the work that my superiors wanted me to do. A few days delay as stated in

the Honble has not been caused by me - These are the facts.

31.3.96. Sd/- Narasimhaiya
Dep: Commr.

C.J.K.
28.5.96.

III

dischargd upon the ground of want of intelligence and vigilance in dealing with this matter. That the former did not discover the misconduct of the part of this man recently promoted at a large salary. Even a reference at a large cost is as unsatisfactory as the statement of his accuser - that the latter should find out all the circumstances of the case even after he suspected the honesty as his orders were limited to value the trees. The want of due interest in his duties which in this instance he seems to have discharged me chanically the Dy Com^r adds that he took on trust the statement of the Shanbogue that he had built six houses altho as a matter of fact there were but three. Rayappa Lachanda against the Shanbogue all blame in this matter, but these Amildars have rendered themselves liable to be warned that they should deal with such important documents with care. Shanbogue Subbappa

Dy Com^r will receive instructions to issue a warning to Amildar

Written by Nicholas Dirks

9

Submitted to the Commissioner
of Stamp Revenue

Rs 15/-
Rs Nine only
Bdi stamps
received
and
20/3

L.R. III R. 94-1

Gen. Serial No. 32.]

6,

1895

(2)

No. 2340

Name of Petitioner. Venkappa - Manappa ... by Sri K.T. Lakshmana ... advocate

Village. Bagevadi - Bailhongal

Taluk. Sadashivgad

District. Belgaum

Date of Arzi. 16 - 3 - 95

Date of Receipt. 16 - 3 - 95

Date of Disposal.

No. of Enclosures. 1 extract.

ABSTRACT.

Applicant states that the village of Bagevadi was granted to the Sadashivgad Talukdar ...

The ground of appeal are as follows ... the petition ... Sec. 95 of the Land Revenue Code Bombay Act V of 1879 ... Sec. 23 of the Act ... Sec. 25 ... 1-2-9 ... 12-6-93 ... Sadashivgad ...

L.R.III-94-2

Gen. Serial No. 32.] 1895 (4)

No. 2561

Name of Petitioner. Shamboge Achanna V. by hon. K. T. Narasim. Mysore advocate

Village. Byrenahalli

Taluk. Siddapalli

District. Kolar

Date of Arzi. 2-4-95

Date of Receipt. 2-4-95

Date of Disposal.

No. of Enclosures. 2

ABSTRACT.

With reference to Endorsement No. 2340 of 28-3-95 stating that the appeal presented by him on 16-3-95 is against the order of the Dy. Comr. No. 292 of 8-2-95 a copy of which he has submitted here with and prays that the appeal may be admitted -

Prays further that as the sale of the land referred to is fixed to take place on Friday the 5th April orders may be issued to stay the sale pending disposal of the appeal of 16-3-95.

The order appealed against is as fo

Kol-Land Survey No. 98 now under

Submitted to the Councillor

Petr prays that the appeal may be admitted and the sale of the land which is to come off on 5th April may be stayed pending disposal of this Appl.

2/4

Stay the sale - Petr. has not moved present proceedings must therefore be dismissed in limine

3/4/95

repaired at a great outlay by the Engineering
Department. If dar khasts are received for such
lands it is not only binding that it should be
disposed of by auction but it is also customary -
Though it is so it is the fault of Amildar
Sulebavanna in not having mentioned in his
report about the situation of the land below
the said tank and or about the repairs Effected
to the tank - Hence Hukum No. 577 of 2-12-91
had to be issued - The true state of things has been
ascertained from Enquiry of the complainant
is stated lately - It is not only understood that
the land is a valuable one but dar khasts
have also been received for it upto Rs. 500 -
Dar khastdar Achanna is not in any way benefitted
by the above Hukum which emanated on the incorrect
report of the Amildar - Lately Hukum No. 248 of 1-2-93
has been issued cancelling the said Hukum and sanctioning
the grant of the land to Achanna for one year - auction ~~of~~
thus paid to him, fix a date for the sale of the said land, ~~post~~
~~accordingly for~~ the sale notice according to Rules, have all
the dar khastdars, together with Achanna and other competent
members present on the above date, accept the offer of Rs. 500
received from Kalanthi Krishnia as the highest bid, be personally
that the land is complete for and submit the records for approval -
Dry land Survey Nos. 129 of Kurjunahalli referred to in the Darkhast
of Achanna should according to English memorandum attached to
Hukum No. 648 of 4-1-94, be caused to be subdivided, and sold according
to Rules and disposed of by auction - The enclosed records are returned - 18-2-94
P.S. I have inspected the land - It was learnt that Achanna has built
several houses for various caste people - To whose that the land on which
they are built belong? What proofs has he to show that the land is his?
the matter should be enquired into and reported in detail - all the lands surrounding the
land under dispute are under cultivation - Under the circumstance
the land cannot be granted without sale - of. above.

which would take a long piece, for the jury and perhaps for you this time when the case resumes - I hope we finished and I would see you in the Jury room after the Lunch recess when I left you - I hope the Lunch will be over and perhaps the Court Officer will call you - If you have to wait for it for you may also if you wish and if you prefer for it then -

I May I have my ... If Mr. Jennelli pleases if you have that ready we have the photographs and offered and left by mistake If you wish you may examine the Exhibits - I suggest it would be better if you have them here. Do you have copies? If so would it be convenient for you to use for the re-direct examination of Mrs. Cox on 8-2-95 the Exhibits ~~copies~~ in the Courts - ~~did~~ Regarded the Exhibits you have which is for the Exhibits which will be marked in evidence similar to each person the Exhibits for which the Court - in the Courtroom and I suggest you ~~do~~ the same Exhibits for the record that's all -

Recap: That the case for the Defendant has rested of course may be cancelled - that is at 2 o'clock p.m. on Mr. Jennelli recalls the second witness in sequence for this which the Court - and that we may be prepared for this day. The Defendant and Mr. Jennelli - according to the official -

13

(5)

Gen. 31.]

1895

(16)

OFFICE OF THE
16259
28 MAY 1895
DEWAN OF MYSORE

From The Deputy Commissioner
Kolar District

To Chief
The Secretary to the Government
~~Dewan~~ of Mysore.

Camp Bowringpet
Dated 22nd May 1895.
Despatched 25th D.
Received
General No. 4484
No. 1399
Enclosure No. 1 file

Sir,

I have the honour to forward herewith, returned with their enclosures, the petitions of Venkatarama Reddy, Patel of Kallahalli, Kolar Taluk, appealing against the Office order directing the sale of Survey No. 98 situated in the village of Kallahalli Kolar Taluk although it had been granted to petitioner in 1872 and has been in his possession since.

With reference to the above,

Revenue Dept
28/5/95

Consult Chief Engineer
Secretary's opinion
with reference to the order
recorded on Rev. Dept
30/5

L.R. III-2 11-3

C.C
Revenue
opinion
wanted
31/5

Noted 31/5
Note Book
31/5 Noted prepared
for R 4/6.

above, I have the honor to submit herewith a fee, accompanying Receipt the records bearing on the subject to which is attached an English Memorandum — written by the Amildar, explaining all the facts and circumstances of the case,

2. The sale of the land has been stayed as directed.

I have &c.

Deputy Commissioner,
Kolar District.

(61)

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. No. 2360 R
DATE 16-3-95

(1)

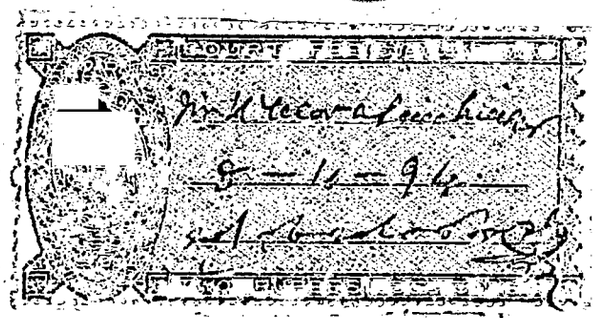
Presented by
Mr. K. Narasimhayar Advocate
16/3/95

Case 1

Pltf. Br

Ex. 5

Pl. no 25
1
29-9-95



In Certain Matters of Appeal
Before the Commissioners for Hearing
The Nizam's Rajah & Berar
Revenue Appellate Court

for 1894-95

- Appellants -

Narayan Ramchandra &
Bheemji Malli, attached to the Hyderabad
Police & the Sidlaghatta Taluq & the
Kolar Service and residing at
Jangamkoppa & the said Taluq &
Sidlaghatta.

The Appellants above named most
respectfully beg to prefer this appeal against
the notice issued to them by the Taluq
Revenue Officer of Sidlaghatta and dated the
28th February 1895. The said notice is
herewith produced and marked A. The
notice, the Petitioners under prayed, has
been issued by the Taluq Revenue Officer in
accordance of the Order of the Deputy
Commissioner of the Kolar District
Grounds of Appeal are as follows

3. Since this was a Khoraki land, in order to bring it under Cultivation, the Appellant has spent Hundreds of Rupees.

4. This land, when it was first given to the Appellant, was not given to him as a tree for any measure.

5. This land S. No. 98 was given to the Appellant under the Rules and the same cannot now be removed from the Appellant's Khatha; the Appellant's possession of the same cannot be disturbed and the said land cannot now be re-sold.

6. The Appellant has, with a great deal of difficulty brought up to the village of Beerajee Halli which was Béchirák from the year Dhatha. He got them houses built, advanced them money for their maintenance and since there is no [illegible] in the said village, he applied for this Khoraki land and obtained the same.

7. The Order appealed against is against the Rules framed under the Land Revenue Code and is also against Equity.

8. As regards land bearing Survey Number 9 and lie the [illegible] in the village of Beerajee Halli, the Appellant applied for 40 acres and 25 guntas of the said land

Grounds of appeal are as follows

1. That the Appellant applying for re-
-lease Licensing Surveyor made JS; Letter dated
Dec 5th 26, the Chief Clerk of the Samaritan
who was sent to the Village of Akinwangala
where the said Lands is situated inspected
the place and submitted his report with
the Statements of the villagers and
thereupon Appellant's Statement was
taken and above recorded, the Surveyor
the Entry Officer of Case to the Court and
personally inspected the Case in
pursuance of the Order of the Resident
Case case point in "D" No 377 dated the
7th December 1931. The Surveyor, in
pursuance of the said Order, demarcated
Rubber Trees by lines the Plan of the trees
Standing on the said Land and for the
Appellant, in proportion of the land to
the trees standing thereon on the 12th
July 1932 after taking Depositions
from the Appellant

2. The Appellant has been in possession
of the said land since time of memory
He has been in the occupancy of the
Land and has been regularly paying
the Rent for the same

[illegible]

and that about 27 acres of land in S. No. 29 situated at Beregi in Aboli may be kindly ordered to be given to the Appellant on his executing a fair Kabuli and the price that the Government may be pleased to fix for the same. By Post

Special Prayer.

As will appear from the notice herewith produced and marked A, the sale of the lands is fixed to take place on the 5th of April next. The Appellant most humbly and respectfully prays that an order may be kindly passed for the stay of sale pending the disposal of this appeal.

By Post

6-3-1895
Mangalore

to be sold as waste and given to him. This is agreed to by the respondent that the same will be given to him, he should pay a large amount for the improvement of about 27 acres in the said land which 27 acres have been under cultivation for the past 3 years and for the portion being under cultivation, the Government has been receiving from the tenants of the highest rate of 2 Rupees per acre.

9 Although Kalkalli villagers are living near the Akkimangala and Beenajeeahalli villages and although the land applied for by the appellant have been cleared from a very large time, still they did not come hitherto to apply for and obtain the same from Government. Seeing that the appellant has improved the land at a great cost and bringing them under cultivable one, the said Kalkalli villagers, in order to cause loss to the appellant according to him, seem to that the petitioner long after the appellant applied for the said land and obtained from Government the portion of land &c &c as

Prayer

For the foregoing reasons the appellant prays that the order for re-sale of land &c &c granted in the village of Akkimangala may be kindly cancelled,

and that

received a notice dated 28-2-1895 stating that the said land will be sold and that land No 98 situated at Akkimangala will be sold on the 5th April 1895, that is next Friday.

2. In regard to this, the Appellant preferred an appeal to the Government direct, since from the order of the Assistant, he (the Appellant) understood that the Assistant notice was issued in pursuance of the Order of the Deputy Commissioner and the Assistant also quoted in the said Order, the Order of the Deputy Commissioner. He therein stated that Order No 292 dated 8-2-95 has been received from the Deputy Commissioner.

3. The Appellant has also stated in his Appeal petition presented to the Government on the 16th March 1895 that he understood that the notice issued to him by the Assistant was in pursuance of the Order of the Deputy Commissioner.

4. The Appellant, when he presented the Appeal, hurriedly filed the notice dated 28-2-1895 of the Assistant & his daughter, with his Appeal petition and prayed that an Order may be kindly passed for the stay of sale pending the final

RW

of his appeal petition - 23

5. He lately obtained a certified copy of the Order of the Deputy Commissioner referred to in the notice of the Auctioneer, viz: Order No 292 dated 8th February 1896 of the Deputy Commissioner of the Kolar District and he produces the said copy with this petition.

6 From a bare perusal of this, it would appear that the Deputy Commissioner directed the Auctioneer to fix a date for the sale of the land in question and it was in pursuance of this Order that the Auctioneer issued his notice dated 28-2-95 to the Appellant fixing the 5th April 1895 as the day of sale.

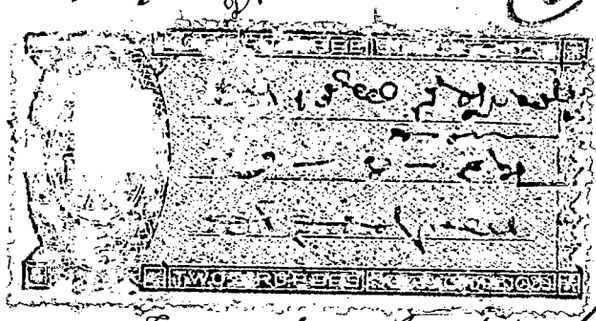
7. Hence the Appeal petition presented to the Court was by the Appellant on the 18-3-1895 was virtually against the Order of the Deputy Commissioner viz Order No 292 dated 8th February 1895.

8. The Appellant therefore prays that the said Appeal petition presented by the Appellant on the 18th March 1895 may be duly re-admitted and considered.

9. The petitioner is prepared in case need

Pr

Presented by Mr K.J. Nanjundaiya
Dy
(4)
MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D. N. 2561/95
DATE 2-4-95
2561
7/4/95
Inv 2
30 2 95 29.6.95
(3)
P 4-4-95.



In. 2

In Council Chamber
Before the Government of His Highness
the Maha Rajah of Mysore,
Revenue Department.
1894-95.

Application of Venkatesh Shanbhogue
of Bevanjeerakalli attached
the Kymara Hobli of the
Sidlaghatta Taluq, Kolar
District and praying that
payment of the Land
Tax of the said
Taluq:

The Petitioner above named begs to
State as follows:

I. That with reference to the land bearing
No 98 situated at Akkimangala which
has been in the possession and enjoyment
of the petitioner's family and also on
registering (illegible) situated at
Bevanjeerakalli, the Amildar of the
Sidlaghatta

for copy that preceding the decisional of
this Appeal viz Appeal for remitted
by the Appellate Court on 16-3-1895.
an Order may be kindly passed for
the stay of sale.

Applicant
-4-1895.

K. F. Narasimhaiyengar
Advocate for Appellant

4

and this petition also is presented within 21 days from the date of the decree of the Commissioners which is 3rd February 1895.

10. With reference to the Official Petition of the 6-3-1895 an Interlocutory Order No. 2340 dated 28-3-1895 was granted to the petitioners to the effect that the petitioners (Appellants) should represent their matter to the Commissioners. The said Order is annexed hereto marked A.

11. Since then there is an appeal against the Order of the Deputy Commissioners himself, the Appellants pray that the said Order of the Government may be kindly reversed and the petitioners appeal may be kindly admitted and considered.

12. For the reasons stated in the said Official Petition the Order of the Deputy Commissioners for the sale of the land is against Rules.

13. The case being fixed to take place on the 5th of April 1895, that is next Friday, the Appellants most humbly and respectfully pray that

KW

3. of his appeal petition - 23

5. He hereby annexes a certified copy of the Order of the Deputy Commissioner referred to in the notice of the Auctioneer, dated 27th Order No 292 dated 8th February 1895 of the Deputy Commissioner of the Kolar District and he produces the said copy in the said petition

6. That a said perusal of the, it would appear that the Deputy Commissioner directed the Auctioneer to fix a date for the sale of the said in question and it was in pursuance of this Order that the Auctioneer issued his notice dated 28-2-95 to the Appellant fixing the 5th April 1895 as the day of sale

7. That the appeal petition presented to the Court was by the Appellant on the 16-3-1895 and it hereby appears from the Order of the Deputy Commissioner dated 8th February 1895 in Order No 292

8. The Appellant therefore prays that the said appeal petition presented by the Appellant on the 16th March 1895 may be duly re-admitted and considered.

9. The petition is presented in time and

To

Draft Order for approval

24

7

Read:-

L.R. III-9-4

Petitions Nos 2340 and 2561 of 6th March 1895 and 2nd April 1895 presented by Chambers Ichhanna of Jangamkote appealing against the order of the Deputy Commr of Kolar dated 8th February 1895 directing the sale of land Nos 3 of Akkimangala, and No 9 of Bovijen halli in the Vidyaharan Taluk ~~by public auction~~

2. Docket No 4484/1399 dated 22nd May 1895 from the Deputy Commissioner Kolar District and the records and proceedings received therewith.

Order

Order thereon dt 13th Dec 95 } 22.7.95
Dy C. 16-9-95 }

Petitioner is the Thumbay of Birpenhalli, a Reclaimed village in the Talaghata Taluk. He represented that the lands of that village were lying waste since the famine of Dhata, that in view to repopulate the village and bring the lands under cultivation, he induced 4 or 5 ryots to live in the village and gave them advances, that for want of wet lands, these said ryots would quit the place, and that if Rs 2,3 taken the Nellimangala tank were given to him for the use of the ryots, on receipt of the value of the trees thereon estimated at Rs 20, more ryots would be induced to come and settle in the village. The Deputy Comr ordered thereupon, on 2d Dec 1895, that the Tahsildar should personally inspect the land and ascertain the nature of the trees on it, and that if the allegations as to what had been and would be done,

for, repopulating the village were trees, he might recover the value of the trees and grant the land without sale. The Amildar Rajapuri charter inspected the village and the land on the 2nd July '17, and deferred passing orders till receipt of records from the Sheristadar. On the occasion of this inspection, one Balaki Sivaramapira is stated to have ~~alleged~~ urged before the Amildar that he was prepared to pay Rs 200 for the land and trees and added that they should be sold by auction, and on the following day he and 3 others submitted petitions by post, offering from Rs 200 to Rs 600. These petitions were received by the Sirastedar Subhedar on the 7th P.M., but no notice was taken of them, and five days later, viz, on 12th P.M., the Sheristadar, Sheristedar professing to act under the orders of the Amildar, received Rs 20 from the Petitioners on account of the price of the trees, and made over the

land to Petitioner under a
Pre-emption of the same date
In reporting this to the Ag.
Commissioner, the Secretary Surveyor
for the Province, stated that
the trees were not of larger
value, that the Petitioner had
built a house and brought
in a report and that Petitioner's
allegations as to future
improvement seemed to be
true. No mention was
made in lieu of the re-
presentations made by
Inlandic Kwistnaptia and
others, but the Deputy Comm.r
had before him a petition framed
in favour by Inlandic Kwistnaptia &c &c
Thereupon he ordered the
Arbitrator on the same date to hold
his decision in abeyance
and to prevent the cutting
of the trees, and desired the
Gen.l Assistant Comm.r & Cor
Cospuacanny Indians to inspect
the land. That order did
not however reach the Arbitrator
till the 18th August. In the
meantime the Cospuacanny
Indians inspected the land
on the 16th August 1892 and

ryots living in Borjenhalli in houses built by petitioner at a cost of about Rs 100, and cultivating petitioner's wet and dry lands, and observed that the land in question was situated in the midst of occupied lands and was very valuable. The Dy: Commissioner who has also inspected the locality states

"The village is nominally Bechirak. The neighbouring villages are thickly populated and cultivation exists almost on every side almost to the very gate of the village. Out of 27 numbers of land, only 2 are Kharab and the rest are in occupancy, and I do not understand what improvement Achappa proposes to make of the so called Bechirak village, and what necessity there was to grant Alkimangala land for that purpose. The secret is that by gross misrepresentation he wanted to take possession of a valuable land."

3 It is clear from the proceedings that the Petitioner sought to acquire the land under false representations ~~pretences~~ for his own use without sale for a nominal price, and that ~~in~~ the attainment of this object ~~he~~ was to a great extent ~~aided~~ facilitated by the ~~local officials~~. The land was not granted to petitioner unconditionally under the ordinary rules as contended by him, and the Dy. Commissioner who was induced to sanction a departure from the usual procedure by the special circumstances urged by Petitioner, deemed it fit, upon the representations made to him by T. Krishnappa, to order the grant being held in abeyance, pending inspection and report by the General Asst. Commr. ~~If the~~ petitioner had no interest beyond the welfare of the

apparent dishonesty
taking Sheriden a
the remoteness o
Amildar who h
evidently allow
great latitude
the former

The great haste an
the utter disregar
of the instructions
which which cha
the conduct of th
Petr. make it c
that he did not
evidently thro

30

and issued an order to the Amildar to stop delivery of possession until further orders, and to direct petitioner not to do anything with the land, and accordingly a notice was served on petitioner on 29th August 1892. But before this, the petitioner had entered upon the land on the strength of the Mamlatdar's granted by him, cut and removed most of the young trees and cultivated about 2 acres with kadiyo. In January 1893 there was a complaint that notwithstanding the orders conveyed to him, the petitioner continued to hold possession and extend the cultivation and that he was harvesting the produce. The Deputy Commissioner sanctioned the petitioner's occupation for that year and intimated that, by this temporary occupation, the petitioner derived no right to the land. This was communicated to petitioner on

26th March 93. He however continued to hold possession even after the harvest, and upon the complaint of Kuhali Syed in June 1893, the Dy: Commissioner ordered that if Petitioner entered upon the land thereafter, he would be liable to criminal prosecution. Nevertheless the petitioner held the land during the next year and with the connivance of the local Officers had it entered in his Khalé and paid the Kandayam. After some correspondence as to whether the assessment fixed on the land should not be increased in view of the increased capacity of the tanks (from 22 to 67 acres), the Deputy Commr finally ordered on the 3rd Feb 1897 that the land should be sold by auction, Subsequently Krishnaraja Ayer offered Rs 500 being treated as the first bid

2 Mr Coppinger's Broadbay at the time of his inspection in August 1892, found 3

and granted to him but pending enquiry as to the nature of the Nala portion of the said number, no assessment was fixed on it nor was Petitioner's application granted. Petitioner nevertheless cultivated a portion of it without authority in 1892-93, and at the Jamabandi of that year, he was fined 25 Rs for it. In spite of this, he continued to hold the land and extended the cultivation of it without authority, and at the Jamabandi of 1893-94 he was fined Rs 42-13-2, and ordered to quit. He still persisted in cultivating the land and at the Jamabandy of 1894-95 he was fined Rs 60. The petitioner's persistent defiance of orders, notwithstanding that he is the Shanbhog of the village, is highly reprehensible, and he has no claim to any consideration in respect of the land.

6. The order of the Deputy Commr in respect of both the lands will be upheld and the appeal dismissed

22/7/95
Revenue Secretary

To The Deputy Commissioner
Kolar District.
with records.

Submitted to the 3rd Comm
22/7/95
Abdul Rahman

21.7.95

(Conduct of the Chaudhry in this case has been
of all discipline. He shd. be strictly warned
any repetition of same will entail his
from the service.
I think a warning of the above kind is necessary
in the interest of discipline
22-7-95

Submit to the 2nd Councillor

Sub. to the 2nd Councillor.

My recommendation stating that
now is, as I have stated to
requested, that he may deal
with all such offences at once
the same time after the
breed

26.7.95

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the new Settlement, he would not have had any ~~cause~~ ground of the hasty action of the Secretary and persisted in cutting off the trees and entering the land without regard to the orders of the General Agt Comm.r and Deputy Comm.r

In allowing the Petitioners to take the produce of the land for Kandana, the Deputy Comm.r had shown all the consideration to the petitioners ~~in consequence of the action of the Secretary referred to, and the petitioners subsequent conduct in cutting and removing the timber~~. The Deputy Comm.r ~~upon inspection~~ of the locality ~~was satisfied~~ that the petitioners had made ~~gross misrepresentations~~, and the Court are therefore unable to ~~consider~~ the grant of the land to Petitioners.

The Dep.y Comm.r is requested to call for ~~and~~ further report with his own remarks.

whether it was possible for him to know

The Petrs subsequent temporary possession does not confer on him a right of permanent occupation and the Deputy Comm.r was perfectly right when he cancelled the grant which Petr in the had been obtained by gross misrepresentation amounting to fraud.

The propriety of the Dep.y Comm.r's proposed future ~~disposal~~ disposal of the land referred.

the explanation of the Special[3] concerned in
~~accused is the following facts:~~ — responsible for the following acts.

(1) the failure to bring to his notice the rejection of a previous draft-kharit for the land, and the fact of the repair and expansion of the tank having added to the value of the land.

[3] Thus was in the hands of Assistant Collector

(2) the Sheristedar's dealing with the matter, while the Assistant proposed to issue orders on receipt of records, and the Head's careless[s] in allowing the Sheristedar to deal with such an important matter.

(3) the failure to submit the petitions and representations of Talanki Krishnappa and others for the orders of the Dy. Commr., and Continuance of the kharit in petitioner's name for 13 years. ~~The delay~~ The delay in the Dy Commr's file in despatching his order of 18th July 1932 should also be explained.

5 As regards land No 9 of Bevinjanhalli, the Petitioner asked that 4 A. 25 G. out of it might be kharij'd, accepted

(8)

No. 38

234 and 235

L. R. 114-94-5

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 23rd August 1895

Endorsement granted to Sitharama, Thandavaya & Virjendralli, Kittaghatta Taluk, residing in Kengandale.

in reply to his Petitions Registered No. 234 & 235 dated 16-5-95 and 24-5-95 appealing against the order of the Deputy Commissioner, Kolar District directing the sale in public auction of lands in Kittaghatta Nemule and No. 2 of Virjenahalli in the Kittaghatta Nemule.

Petitioner is informed that the order of the Deputy Commissioner in respect of both the lands referred to is upheld and the appeal dismissed.

2. The enclosures of the petitions are herewith returned.

'By Order'

Asstt. HBL

Under. Chief Secretary. 26/8

M.G.C.P.B—19-2-95—1,000

To Mr. T. S. Narasimha Iyengar, Pleader for Appellant.

20-8-95
29-8-95